



Jpw 1631

PATENT  
CASE NO. 19258CC

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In re application of: ARMSTRONG ET AL.  
Serial No. 09/835,699  
Filed April 16, 2001  
Group Art Unit 1631  
Examiner James Martinell  
For: POLYNUCLEOTIDE HERPES VIRUS VACCINE

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.  
 The fee has been calculated as shown below.

## CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>30</u>	-	** <u>20</u> =	<u>10</u> X	\$18	= <u>180.00</u>
Independent Claims	* <u>4</u>	-	*** <u>3</u> =	<u>1</u> X	\$86	= <u>86.00</u>
Multiple Dependent Claims					\$290 ****	= <u></u>
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>						266.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

\*\*\*\* Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 266.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,

By: Laura M. Ginkel

Attorney        for Applicant(s)

Reg. No. 51,737

MERCK & CO., INC.

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Date: September 23, 2004

IN DUPLICATE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Armstrong, et al.

Serial No.: 09/835,699

Case: 19258CC

Art Unit: 1631

Filed: April 16, 2001

For: POLYNUCLEOTIDE HERPES VIRUS VACCINE

Examiner:

James Martinell

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
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BY: Laura M. Minkler

REGISTRATION NO.: 51,737

DATE: Sept. 23, 2004

AMENDMENT UNDER 37 C.F.R. § 1.111

Sir:

In reply to the Office Action mailed June 25, 2004, please enter the following amendments and consider the foregoing remarks. Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

**AMENDMENTS TO THE CLAIMS** are reflected in the listing of claims which begins on page 2 of this paper.

**REMARKS** begin on page 6 of this paper.

09/28/2004 CNGUYEN 00000016 132755 09835699

01 FC:1202 180.00 DA  
02 FC:1201 86.00 DA